

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

LOU E. NELSON

Claimant

VS.

TRAVELERS INSURANCE COMPANY

Respondent

Self-Insured

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Docket No. 195,094

ORDER

Claimant appeals from a Preliminary Hearing Order of June 6, 1995, wherein Administrative Law Judge Steven J. Howard, in ruling upon respondent's motion to change authorized physician, held that the respondent insurance carrier has the right to select an authorized treating physician pursuant to K.S.A. 44-510.

ISSUES

- (1) Whether the Administrative Law Judge has the jurisdiction to rule upon an application for change of treating physician filed by the respondent under K.S.A. 44-510(c).
- (2) Whether the respondent has the right to change authorized treating physician without first seeking an order from the Administrative Law Judge.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

K.S.A. 44-534a grants the right to appeal from preliminary hearings when dealing with the specific jurisdictional issues of whether claimant suffered accidental injury, whether the injury arose out of and in the course of the employee's employment, whether notice is given or timely claim made, or whether certain defenses apply. The issues listed by the claimant in this matter are not listed in K.S.A. 44-534a and would not be appealable.

Claimant does allege under K.S.A. 44-551 that the Administrative Law Judge exceeded his jurisdiction in rendering the Order of June 6, 1995. The Appeals Board finds, when dealing with issues of medical treatment, the Administrative Law Judge has been granted the right to render said decisions at preliminary hearings. It is the Board's position that the Administrative Law Judge did not exceed his jurisdiction in rendering the Order of June 6, 1995. As no appealable issue exists under K.S.A. 44-534a and the Administrative Law Judge did not exceed his jurisdiction, the appeal of the claimant in this matter should be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of claimant from the Order of Administrative Law Judge Steven J. Howard on June 6, 1995, shall be and is hereby dismissed.

IT IS SO ORDERED.

Dated this ____ day of September, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Gary L. Jordan, Ottawa, Kansas
Joseph R. Ebbert, Kansas City, Kansas
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director